

REMARKS

Applicants have now had an opportunity to carefully consider the Examiner's comments set forth in the Office Action of February 22, 2007. Claims 1-64 are currently pending.

Reconsideration of the Application in light of the remarks made below is requested.

The Office Action

Independent claims 1, 20, 35, and 50 were rejected under 35 U.S.C. 102(b) as being anticipated by Allen (US Patent No 5,406,315, hereinafter "Allen"). Allen teaches using the principle of reflected light thermometry to obtain information from an ink cartridge **20** such as the temperature of the phase change ink **14** inside, or the ink level. The phase change ink is opaque below its melting point and reflects incident light, whereas at and above its melting point, the material is transparent liquid and absorbs light. Allen teaches illuminating the cartridge having a window **16** through which the phase change ink can be seen. At low temperatures, the window appears light colored, but at or above the ink delivery temperature, the window appears black. Light is provided so that it is diffusely reflected by the phase change material. The reflected light is then sensed by a photodetector **38** to determine the temperature of the ink. (See column 4, line 56 - column 5, line 4 and column 5, line 62 - column 6, line 41, among other sections) The ink level is also determined in a similar manner.

Allen does not teach or suggest using a phosphorescent material having phosphor properties for emitting light with characteristics and sensing for emitted light coming from the phosphorescent material corresponding to obtain information from the marking material container. Allen does mention using a phosphorescent material. Rather, Allen uses a phase change material which changes color when it changes phase. Further, Allen does not sense light emitted from the phosphorescent material as claimed. Rather, Allen senses for light that is reflected from the window and/or phase change material. Light is not emitted by the phase change material nor sensed to obtain information. For these reasons, claim 1, as well as claims 2-19 depending therefrom, are patentable over Allen.

Claim 20 claims a marking material container for holding a marking material comprising a phosphorescent material having predetermined phosphor properties for emitting light having characteristics for providing information. Allen does not teach or suggest using a phosphorescent material having predetermined phosphor properties for emitting light as claimed. For these reasons, and those stated above, claim 20, as well as claims 21-34 depending therefrom, are

patentable over Allen.

Claim 35 claims a system for obtaining information from a marking material container comprising a marking material container for holding a marking material and having a phosphorescent material with predetermined phosphor properties for emitting light with characteristics corresponding to the information and a photo detector for detecting light emitted from the phosphorescent material for obtaining information therefrom. Allen does not teach or suggest using a phosphorescent material having predetermined phosphor properties for emitting light as claimed. Allen also does not teach or suggest using a photo detector for detecting light emitted from the phosphorescent material for obtaining information therefrom. For these reasons, and those stated above, claim 35, as well as claims 36-49 depending therefrom, are patentable over Allen.

Claim 50 claims a printer/copier comprising a marking material container for holding a marking material and having a phosphorescent material with predetermined phosphor properties and a photo detector for detecting light emitted from the phosphorescent material for obtaining information therefrom. For these reasons, and those stated above, claim 50, as well as claims 51-64 depending therefrom, are patentable over Allen.

CONCLUSION

For the reasons detailed above, it is submitted all claims remaining in the application (Claims 1-64) are now in condition for allowance. The foregoing comments do not require unnecessary additional search or examination.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to call Patrick D. Floyd, at Telephone Number (216) 861-5582.

Respectfully submitted,

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May 23 2007
Date